

10/509642
DT04 Rec'd PCT/PTO 29 SEP 2004

ENGLISH TRANSLATION OF ARTICLE 19 AMENDMENT

- 34 -

CLAIMS

1. (Amended) A drug such as an anticancer agent or an immunopotentiator, comprising both a mature fruit and an immature fruit, or an immature fruit of a fruit of the genus Malus such as apple (*Malus domestica*) and crabapple (*Malus pumila*), a fruit of the genus *Pyrus*, or a substance derived therefrom as an active ingredient.

2. (Amended) The drug such as an anticancer agent or an immunopotentiator as described in claim 1, comprising an aqueous extract of both the mature fruit and the immature fruit, or the immature fruit of the fruit of the genus *Malus* such as apple (*Malus domestica*) and crabapple (*Malus pumila*) or the fruit of the genus *Pyrus*, or a substance derived from the aqueous extract.

3. (Amended) The drug such as an anticancer agent or an immunopotentiator as described in claim 1, comprising an extract of both the mature fruit and the immature fruit, or the immature fruit of the fruit of the genus *Malus* such as apple (*Malus domestica*) and crabapple (*Malus pumila*) or the fruit of the genus *Pyrus* obtained by extraction with an organic solvent such as alcohol, or a substance derived from the extract.

4. (Amended) The medicament such as an anticancer agent or an immunopotentiator as described in claim 1, 2 or 3,

administered orally, percutaneously, by injection or via other routes, which comprises the extract of both the mature fruit and the immature fruit, or the immature fruit of the fruit of the genus *Malus* such as apple (*Malus domestica*) and
5 crabapple (*Malus pumila*) or the fruit of the genus *Pyrus*, or a substance derived from the extract as a raw material.

5. (Deleted)

6. (Amended) A health food for inhibiting and preventing cancer and for enhancing immune system, comprising both a
10 mature fruit and an immature fruit, or an immature fruit of a fruit of the genus *Malus* such as apple (*Malus domestica*) and crabapple (*Malus pumila*) or a fruit of the genus *Pyrus*, or a substance derived therefrom as a raw material.

7. (Deleted)

STATEMENT BASED UPON ARTICLE 19(1)

"... both a mature fruit and an immature fruit, or an immature fruit of a fruit of the genus Malus such as apple (Malus domestica) and crabapple (Malus pumila) or a fruit of the genus Pyrus, or ..." of the amended claims 1 and 6 is to reduce and limit the extent of the claims so as to make clear that at least immature fruit is essential constituent.

"... both the mature fruit and the immature fruit or the immature fruit of the fruit of the genus Malus such as apple (Malus domestica) and crabapple (Malus pumila) or the fruit of the genus Pyrus ..." of the amended claims 2 to 4 is to reduce and limit the extent of the claims so as to make clear that at least immature fruit is essential constituent.

Further, the present application is characterized by accomplishing remarkable purpose effects, that is, "a drug such as an anticancer agent or an immune enhancing agent" or "a health food for suppressing and preventing cancer or for enhancing immunity", which has preventing effects, obtained by researches for humans.

In this regard, there is no description about the essential constituent of the present application, "... both a mature fruit and an immature fruit or an immature fruit of a fruit of the genus Malus such as apple (Malus domestica) and crabapple (Malus pumila) or a fruit of the genus Pyrus ..." in

the cited references 1 to 6. In addition, the cited reference 1 (Okuno TOSHIKATSU, et al.) and the cited reference 3 (Koich KOSHIMIZU, et al.) relate to cultivated cancer cells of humans, and research results for humans are not described in the other cited inventions 2 and 4 to 6. Furthermore, even though these cited references 1 to 6 are combined, "a medicament such as an anticancer agent or an immune enhancing agent" or "a health food for inhibiting and preventing cancer or for enhancing immunity", which has preventing effects for human, should not be obtained.

Accordingly, claims 1 to 4 and 6 of the present application are basically different from the cited references 1 to 6, and further, have novelty and inventiveness.